

January 14, 2021

**VIA ECF**

The Honorable Jesse M. Furman  
United States District Court for the Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *City of Providence, Rhode Island v. BATS Global Markets, Inc.*,  
No. 14-cv-2811-JMF—**Objection to Request for Reply (Dkt. No. 506)**

Dear Judge Furman:

Defendants object to Plaintiffs' request for leave to file a reply in further support of their motion to quash Rule 30(b)(6) subpoenas issued by Defendants (Dkt. No. 506).

Plaintiffs fail to disclose the procedural background to their request. After the close of business on January 5, 2021, less than two days before written responses and objections were due, Lead Counsel asked to meet and confer about the subpoenas and requested that Defendants extend "the deadline to respond" to January 14, 2021. Defendants agreed to both requests in less than four hours.

The parties met and conferred on January 7, 2021. During that conference, Defendants explained what precipitated the subpoenas and why they are necessary (including with specific discussions of Plaintiffs' Rule 30(b)(6) depositions and document productions that the Letter makes no mention of but which Defendants' opposition, Dkt. No. 505, discusses in detail). Despite having been informed of the bases for the subpoenas, Plaintiffs chose to submit a generic letter rather than address what they knew Defendants would say in opposition. Plaintiffs' generic opening letter is part of Plaintiffs' pattern of seeking to file reply letters on discovery disputes they raise (*e.g.*, ECF 464, 488).

Defendants respectfully submit that the Court should deny Plaintiffs' motion on the papers contemplated by the Court's Individual Practices without additional briefing. If the Court instead allows Plaintiffs to file a reply, Defendants respectfully request leave to file a sur-reply of equal length and request that the Court hear argument on Plaintiff's motion.

Respectfully submitted,

By: /s/ Douglas W. Henkin

Douglas W. Henkin  
Justine N. Margolis  
Kiran Patel  
DENTONS US LLP  
1221 Avenue of the Americas  
New York, NY 10020  
Telephone: 212/768-6832  
212/768-6800 (fax)

Counsel for *New York Stock Exchange LLC*,  
*NYSE Arca Inc.*, and *Chicago Stock*  
*Exchange, Inc.*

By: /s/ Steven M. Shepard

Steven M. Shepard  
SUSMAN GODFREY L.L.P.  
1301 Ave. of the Americas, Fl. 32  
New York, NY 10019  
Tel: 212-729-2010  
[sshepard@susmangodfrey.com](mailto:sshepard@susmangodfrey.com)

Robert F. Serio  
Justine Goeke  
GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue  
New York, NY 10166  
Telephone: 212/351-3917  
212/351-5246 (fax)

Counsel for *The Nasdaq Stock Market LLC*  
and *Nasdaq OMX BX, Inc.*

By: /s/ Paul E. Greenwalt

Paul E. Greenwalt III  
Michael Molzberger  
SCHIFF HARDIN LLP  
233 South Wacker Drive, Suite 6600  
Chicago, IL 60606  
Telephone: 312/258-5702  
312/258-5600 (fax)

Counsel for *BATS Global Markets, Inc. (n/k/a*  
*Cboe Bats, LLC)* and *Direct Edge ECN, LLC*

cc: All Counsel of Record via ECF